

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JERRY DUNSON, et al.,  
Plaintiffs,

v.

CORDIS CORPORATION, et al.,  
Defendants.

Case No. [16-cv-03076-SI](#)

**ORDER ON AMENDED MOTION TO  
DISMISS**

Re: Dkt. No. 7

Defendant Cordis Corporation (“Cordis”) recently filed a motion to dismiss plaintiffs’ complaint. Dkt. No. 7. Plaintiffs respond that this motion fails to address plaintiffs’ first amended complaint (“FAC”). Dkt. No. 15 at 8.<sup>1</sup> There appears to be a dispute over whether defendant was properly served with the FAC. Dkt. No. 16 at 7, Reply Br. Cordis contends that plaintiffs’ complaint and FAC “are identical in substance,” but that, “[s]hould it aid the Court, Cordis can promptly refile its motion to dismiss with citations to the FAC.” *Id.* at 8.

Given the length of the two complaints, the addition of defendants to the FAC (and any choice of law issues that may be implicated), and the citation discrepancies that exist among the parties’ submissions, the Court ORDERS Cordis to promptly refile its motion to dismiss with citations to the FAC, **by July 12, 2016 at 12:00pm**. The matter remains on the Court’s July 22, 2016 calendar.

**IT IS SO ORDERED.**

Dated: July 8, 2016



SUSAN ILLSTON  
United States District Judge

<sup>1</sup> The page numbers cited refer to the page numbers generated by ECF.